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April 22, 2020

VIA ELECTRONIC CASE FILING ONLY:

District Judge Ronnie Abrams
United States District Court
Southern District of New York
Courtroom 1506
40 Foley Square
New York, New York 10007

Re: 1:19-cv-00462-RA Gipson et al v. Amazon.Com, Inc.

Dear Judge Abrams:

I represent plaintiffs in the above-referenced action. In mid-February, after oral argument on Defendants' motion to dismiss the first amended complaint, the parties notified Your Honor that they had agreed to global settlement terms. On February 19, 2020, Your Honor issued a forty-five (45) day dismissal order. See Docket No. 45. Thereafter, You Honor granted my office's letter application extending the dismissal deadline, to restore the action without prejudice, to June 2, 2020. See Docket No. 47. The parties have finalized their settlement documents, Plaintiffs have executed and exchanged the settlement documents and are awaiting Defendants' execution of same.

While there is an argument to be made that this Court has already implicitly approved the parties' settlement of the action when it issued its 45 day dismissal order, the parties' counsel believe, in an abundance of caution, that pursuant to SDNY Local Rule 83.2 and NY Consolidated Laws, EPT §5-4.4, that the parties' settlement agreement requires Court approval because Plaintiffs have asserted wrongful death claims against the Defendants. The parties now wish that Your Honor approve their global settlement.

As a material part of the parties' settlement agreement, the parties have agreed to strict confidentiality terms, which all parties insisted upon. This Court has the authority to seal the settlement agreement pursuant to the parties' preference. See *Medley v Am. Cancer Soc.*, 10-CV-3214 (BSJ), 2010 WL 3000028, at *1 [SDNY July 23, 2010] ("*[b]ecause the terms of the settlement agreement are confidential, it will be filed under seal. At the parties' request, the letters shall also be filed under seal.*").

On Friday, April 17, 2020 my father passed away. Given that circumstance, and the ongoing COVID-19 pandemic, my office hereby requests leave of Your Honor to file Plaintiff's motion papers (along with an unredacted copy of the settlement agreement and a proposed order)

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seeking approval of the parties' settlement agreement electronically to Your Honor via email to Your Honor's chambers (Abrams_NYSDChambers@nysd.uscourts.gov), and that the email filing be deemed sealed, in all respects.

In the alternative, Plaintiffs request leave to file their motion papers through ECF in redacted form.

This is Plaintiffs' first request for the relief sought herein. My office has presented this letter motion to the Defendants' counsel and Defendants have consented to the relief sought herein.

Thank you for your courtesy and prompt attention to this matter. If you have any questions or need further information, please do not hesitate to contact me.

Sincerely,

LAW OFFICES OF MICHAEL J. KAPIN

/s/ Michael J. Kapin

Michael J. Kapin, Esq.

On May 27, 2020, the Court dismissed this suit with prejudice under Fed. R. Civ. P. 41(a)(1) (A)(ii). Dkt. 50. Accordingly, this motion is denied as moot. The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. 48.
SO ORDERED.

A handwritten signature in blue ink, appearing to be 'RA', with a horizontal line underneath.

Ronnie Abrams, U.S.D.J.

October 14, 2020